

**Before the  
Federal Communications Commission  
Washington, DC**

In the Matter of	)	
	)	
Request for Review of the Decision of	)	
the Universal Service Administrator	)	
and Waiver by	)	
	)	
Los Angeles Leadership Academy	)	File No. SLD- 870563
Los Angeles, CA	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**REQUEST FOR REVIEW AND WAIVER**

Los Angeles Leadership Academy requests that the FCC review and reverse USAC's decision not to grant our school a service delivery date extension for our wireless infrastructure project.<sup>1</sup> We require this infrastructure for Common Core testing, not to mention effective teaching.

USAC informed us that it could not grant our extension request because we did not file it on time. That is true, but the only reason we missed the deadline is because we mistakenly believed that it was the last day of the calendar year after the end of the funding year (December 31, 2013), which is when our contract ended, as opposed to three months after the end of the funding year (September 3, 2013). We understand, however, that the FCC may waive its rules and grant us the extension we need -- if the circumstances warrant it. We believe strongly that they do.

Los Angeles Leadership Academy is a charter school serving approximately 700 K-12 school students, predominantly Latino, who come from a very poor and underprivileged community in Los Angeles, California. We give our students, among many other things, opportunities to take action on important social issues, to work

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<sup>1</sup> Attached as Exhibit 1 -- Administrator's Decision on Implementation Extension Request dated January 24, 2013 (FRN 2374245 – Funding Year 2012).

alongside community mentors, and to enhance the learning power of these experiences through reflection and skill development in the classroom.

By the end of September 2013, Data and Voice Cable Solutions (DVCS), our cabling vendor, had completed a little over 70% of the project in terms of dollars, which was about half of the actual work that needed to be completed. In December, when it became clear that DVCS was not going to be able to complete the entire project by what we thought was the deadline, we asked USAC for an extension of time to finish it up, but, as we have already explained, USAC denied our request because it was late.

If we had understood program rules in the fall of 2013, as we understand them today, naturally we would have filed our extension request then. In it, we would have explained to USAC that we had a good reason for needing the extension.<sup>2</sup> We were in the middle of what was for us a large-scale, school infrastructure upgrade to accommodate Common Core and to equip the rest of our classrooms with Internet connectivity. Without this work, we will not be able to deliver internet connectivity to these classrooms. Three things that were beyond DVCS's control were making it extremely difficult for the company to keep its cabling work on schedule. First there were other customers of DVCS who were making urgent demands on its time. Then there were some material delays. But the largest problem was the delays that other construction trades at the school site were causing. For a variety of reasons, those trades were not completing their work on time, which was making it impossible for DVCS to work as quickly as the company had been prepared to work.

Today, our primary and middle schools share the same address. In the summer of 2013, contractors were upgrading the primary school building, which was in the front, and remodeling the back building, which was going to be our new middle school. We were hoping to open the middle school in time for the beginning of the 2013-2014 school year, but delays pushed back the opening into October.

In August, DVCS began its cabling work at the primary school. The plan was to

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<sup>2</sup> Attached as Exhibit 2 is a Statement from the vendor explaining why its work was delayed.

move on to the middle school once the work there was completed, and to have the middle school ready to open for the beginning of the school year. When the project began, we all agreed that this was a reasonable plan. With construction delays mounting, however, it became clear that our plan was in jeopardy. Consequently, we instructed DVCS to abandon its work at the primary school and to relocate its technicians to the middle school site, which it did. After completing its work there, DVCS was going to resume its cabling work at the primary school, but when USAC rejected our service delivery date extension request, we instructed DVCS not to return there. At that time, \$2,860 worth of cabling infrastructure work remained to be completed at the primary school.

At that point, neither I nor DVCS's representative was quite sure what to do next. We did not want to violate program rules, and because the large, complex body of E-rate rules and regulations confused and intimidated both of us, we felt, for lack of a better description, like deer stuck in the headlights.

After researching the matter and speaking with experts, we eventually concluded that we had to take the following steps: DVCS needed to bill the Academy for all the FRN 2374245-related work that it had completed by September 30, 2013; the Academy needed to pay DVCS's invoice in full; then, the Academy needed to file a reimbursement request with USAC; and finally, the Academy needed to request a waiver from the FCC, which would result, hopefully, in the FCC granting a service delivery date extension long enough to enable DVCS to complete the project.

As we hope you can see, the delay that caused the project to extend beyond the September 30<sup>th</sup> deadline was due to circumstances beyond our vendor's control. Also, please note that the work that needs to be completed is a "must," as our Common Core initiative depends on it. We have done our best to comply fully with program rules, and USAC has not accused us of any wrongdoing. Finally, while the amount at stake is infinitesimally small so far as the E-rate program as a whole is concerned, for our small charter school, that amount is enormous. Therefore, for all of these reasons, we respectfully request that the FCC waive its rules and instruct USAC to grant us the service delivery date extension we need.

Respectfully submitted,

*/s/ William Seguritan*

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March 21, 2014

cc: Daryl Wakumoto, President  
DATA AND VOICE CABLE SOLUTIONS, INC.  
SPIN: 143033733  
9181 Guss Dr. (Ste. 200)  
Huntington Beach, CA  
(714) 323-9894

# EXHIBIT 1

**Administrator's Decision on Implementation Extension Request**

January 24, 2014

William Seguritan  
Los Angeles Leadership Academy High School  
234 East Avenue 33  
Los Angeles, CA 90031

FCC Form 471 Application Number: 870563  
Funding Request Number(s): 2374245  
Your Correspondence Dated: December 11, 2013

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of USAC's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one FCC Form 471 Application, please note that for each application you will receive a separate determination letter.

Decision on Appeal: **Denied in full**

Request received after the FCC deadline for Implementation Deadline Extension requests which was 9/30/2013.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

**TO APPEAL THIS DECISION**

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
  - appellant name
  - applicant and service provider names, if different than appellant
  - applicant BEN and service provider SPIN
  - <insert application or form number> as assigned by USAC
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
  - <insert name of the letter and funding year - both are located at the top of the letter> AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in "Appeals" in the "Schools and Libraries" section of the USAC website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Daryl Wakumoto, Data and Voice Cable Solutions, Inc.

# EXHIBIT 2



## DATA AND VOICE CABLE SOLUTIONS, INC.

9181 Guss Drive, Suite 200  
Huntington Beach, CA 92646  
Phone (714) 323-9894  
FAX (714) 964-7281  
CA Lic. # : 908583  
E-Rate SPIN: 143033733

March 20, 2014

### STATEMENT

My name is Daryl Wakumoto. I am the President of DATA AND VOICE CABLE SOLUTIONS, INC. I am submitting this statement in support of the Los Angeles Leadership Academy's Request for Review and Waiver.

- Applicant Name: Los Angeles Leadership Academy
- Service Provider: Data And Voice Cable Solutions, Inc. (SPIN: 143033733)
- FCC Form 471 #: 870563
- Funding Request #: 2374245
- Administrator's Decision on Implementation Extension Request

As the data cable installation contractor, I was not able to complete the second half of the WIFI cable installation at the Primary School before the USAC/Schools and Libraries Division service delivery deadline of 9/30/13. This was due to the construction deadline at the Los Angeles Leadership Academy's new Middle School (Back Building) located at the same address. To meet the deadline for the new Middle School building, I had to stop the WIFI cable installation at the Primary School at the half way point and focus on the data and WIFI cable installation at the new Middle School.

If other trades had not delayed my company's work at the Primary School, some of our other customers had not made such urgent demands on our time during that period, and we had received all of the materials we needed on time, I believe that we could have completed the WIFI cable installation at the Primary School before having to move on to the new Middle School.

If funding extension is granted, I will place Los Angeles Leadership Academy on the schedule as the next project so I can complete the last half of the WIFI cable installation at the Primary School. It is my estimate that a week's work is required to complete this project and it would be a shame that an extension be denied when the project is already 50% complete.

Daryl Wakumoto  
President

cc: William Seguritan, Los Angeles Leadership Academy